

SEP 15 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HOWARD HERSHIPS,

Petitioner - Appellant,

v.

SUPERIOR COURT FOR COUNTY OF
SANTA CLARA,

Respondent - Appellee.

No. 08-15518

D.C. No. 3:08-cv-00992-MMC

MEMORANDUM *

Appeal from the United States District Court
for the Northern District of California
Maxine M. Chesney, District Judge, Presiding

Submitted September 8, 2008**
San Francisco, California

Before: PREGERSON, McKEOWN and N.R. SMITH, Circuit Judges.

The motion to proceed in forma pauperis is granted. The Clerk shall amend
the docket to reflect this status.

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. See Fed. R. App. P. 34(a)(2).

A review of the record and the response to this court's order to show cause indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

It does not appear that the district court erred in dismissing the action in light of principles of comity and federalism. *See Younger v. Harris*, 401 U.S. 37, 43-46 (1971). Accordingly, we summarily affirm the district court's judgment.

AFFIRMED.